

REMARKS

This Response is being filed within two months of the Office Action outstanding, dated December 1, 2005. No new claims have been added. Claims 1, 8, 9, 10, 14, 15 and 20 have been amended. Claims 12 and 13 have been canceled. Claims 1, 4-11, 14-15, and 17-20 are pending in the application. Claims 1, 8, 10, 15 and 20 are in independent form.

In summary, Applicant believes the finality of the previous Office Action is improper because Applicant has only amended the claims to incorporate matter from originally filed dependent claims. These amendments cannot have "necessitated new ground(s) of rejection." moreover, there has been confusion in the file history regarding which claims have been rejected. Accordingly, Applicant asks the Examiner to enter the enclosed amendments and to allow the currently amended claims.

By this Response, Applicant has amended each of the independent claims 1, 8, 10, 15 and 20 to incorporate the limitation of dependent claims 13 and 16 as originally filed. Specifically, Applicant has amended each of the independent claims to recite, from claim 16, that the first and second axes are distinct from one another, and from claim 13:

"wherein said first and second printheads are aligned along a first arcuate shape and said first and second axes of said first and second rollers, respectively, are aligned along a second arcuate shape similar to said first arcuate shape."

In the first Office Action dated December 9th, 2004, the Examiner rejected the independent claims but stated that "Claims 2 ... and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Claim 2 recites a first axis for a first roller that receives ink from a first printhead and a second axis for a second roller that receives ink from a second printhead.

In a response dated March 3, 2005, Applicants argued that the limitations of the independent claims as filed were not shown by the cited prior art.

In the next Office Action dated May 26, 2005, the Examiner reiterated the rejections of the previous Office Action. However, there was some confusion regarding previously objected to claim 2. In the rejection the Examiner Stated that "Claims 1, 3-7, 10-12, 15 and 17-20 are rejected." However, the Examiner listed claim 2 in the

detailed description of the rejected claims and cited FIG. 5 of Taylor.

In Applicant's Response dated August 9, 2005, based on the apparent allowability of the limitation of dependent claim 2, Applicant incorporated the limitation of claim 2 into the independent claims. Based on the Examiner's referral to FIG. 5 of Taylor and the confusion regarding the allowability of claim 2, Applicant emphasized the plain meaning of claim 2 as filed by amending the independent claims to recite that the second roller was oriented to receive ink spit "only" from the second printhead. This clarifying language is not a proper basis for a Final Rejection.

The Examiner has now issued a Final Rejection, dated December 1st, 2005, citing "new grounds(s) of rejection" (Final Office Action, page 8, second paragraph), even though Applicant's previous response only incorporated the limitations of originally filed claim 2 into the independent claims. Applicant's previous amendments did not necessitate the new grounds of rejection and Applicant has not had an opportunity to address the newly cited rejections presented by the Examiner.

By this Response Applicant has amended the independent claims to incorporate the limitations of originally filed

dependent claims 13 and 16. Applicant respectfully asks the Examiner to withdraw the finality of the previous action and to enter the amendments and remarks of the present response in order to allow Applicant the opportunity to address the Examiners rejections.

Applicants remarks regarding the current amendments follow. By this response Applicant has amended independent claims 1, 8, 10, 15 and 20 to incorporate the limitation of dependent claims 13 and 16 as filed, namely, the first and second axes are distinct and "wherein said first and second printheads are aligned along a first arcuate shape and said first and second axes of said first and second rollers, respectively, are aligned along a second arcuate shape similar to said first arcuate shape." These limitations are not taught or suggested by the cited prior art references.

With regard to the rejection of claim 13 under 35 U.S.C. 102(b) under Therien, Therien states at column 6, lines 47-52 "Alternatively, three additional tapered screw spittoon systems may be installed in the service station 80 to individually service each of the color printheads 72-76." Contrary to the Examiner's assertion, this single sentence does not "naturally suggest" an "arcuate shape" of multiple rollers as recited by Applicant in the claims as

amended. There is absolutely no teaching in Therien as to the orientation of the rollers and the Examiner is improperly using Applicant's teachings to modify the Therien reference.

With regard to the rejection of claim 13 under 35 U.S.C. 103(a) under Therien in view of Leemhuis, the Examiner states that the references teach "the first contour comprises an arcuate shape" (emphasis added). Leemhuis does teach printheads in an arcuate shape. However, even if Leemhuis and Therien were combined, neither Leemhuis nor Therien teach or suggest a plurality of rollers be oriented along an arcuate shape. As stated above, there is no teaching of any orientation in Therien. Leemhuis teaches a single roller and therefore cannot teach an arcuate shape of multiple rollers. The only suggestion of an arcuate shape of multiple rollers comes from the Examiner's impermissible use of hindsight in applying Applicant's teachings to the prior art references.


Applicant believes the independent claims as amended are in condition for allowance. Applicant respectfully requests the Examiner to withdraw the finality of the previous Office Action, to allow the Applicant's current amendments, and to allow the application.

By this Response Applicant has amended several of the dependent claims to comply with the amended independent claims.

Conclusion

All pending claims are believed to be in condition for allowance, and such allowance is respectfully solicited. If the Examiner should have any questions regarding this response, a call to Applicant's counsel, Ms. Ingrid M. McTaggart at (503) 230-7934, is respectfully requested. If the Examiner should have any other questions regarding the above referenced application, a call to Applicant's counsel Mr. Bob Wasson at (360) 212-2338, is respectfully requested.

Respectfully submitted,


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I hereby certify that this correspondence is being sent via first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31st day of January, 2006.

Ingrid McTaggart